IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH
AT BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

W.P.No.....832.....OF 2004

PETITIONERS

1) Sheikh Maqbool Quraishi, S/o. Sheikh Usman, aged about 40 years, Pandri Bazar, Raipur, Tahsil and District Raipur (C.G.).

2) Salim, S/o. Mohammed Haneef aged about 40 years, R/o Fafadih Bazar, Raipur, Tahsil and District Raipur (C.G.).

3) Madan Lal Singh, S/o. Shri Harnam Das, aged about 50 years, R/o. Tatibandh, Raipur, Tahsil and District Raipur (C.G.).

4) Kunj Lal Dhangar, S/o Bhuvan Lal 52 years Tikrapara, Hatri Bazar, Raipur,Tahsil and District Raipur (C.G.).

5) Tumar Singh Pal,S/o. Kartik Ram, aged about 68 years, R/o.Tikrapara, Hatri Bazar, Raipur, Tahsil and District Raipur (C.G.).

6) Sami Afsar Quereshi, S/o. Syed Ramzan aged about 42 years, R/o.Nehru Nagar, Raipur, Tahsil and District Raipur (C.G.).

7) Sheikh Waheed, S/o. Sheikh Mehmood, 48 years, Vivekanand Ashram, Raipur, Tahsil and District Raipur (C.G.).

8) Sheikh Baji, S/o. Sheikh Daud, aged about 70 years, Aspatal Ward, Raipur, Tahsil and District Raipur (C.G.).

9) Mamta Pal, D/o. Raju Pal, aged about 35 years, R/o. Shyam Nagar, Raipur, Tahsil and District Raipur (C.G.).

10) Sheikh Ghaus Quereshi, S/o. Sheikh Ibrahim, aged about 27 years, R/o. Pandri Bazar, Raipur, Tahsil and District Raipur (C.G.).

11 Mohammed Ikram Quereshi, S/o. Mohammed Siddique Quereshi, S/o. 28 years, R/o. Ganj Bazar, Raipur, Tahsil and District Raipur (C.G.).

12) Altaf @ Kanna, S/o. Sayed Ramzan, aged about 35 years, R/o. Modhapara, Raipur, Tahsil and District Raipur (C.G.).

13) Mohammed Javed, S/o. Ghulam Nabi, aged about 35 years, R/o. Vivekanand Ashram, Adarsh Bazar, Idgah Bazar, Raipur, Tahsil and District Raipur (C.G.).

14) Ghulam Rasool, S/o. Ghulam Nabi, aged about 50 years, R/o. Fafadih Bazar, Raipur, Tahsil and District Raipur (C.G.).

15) Sheikh Khalil, S/o. Sheikh Dawood, aged about 60 years, R/o. Katora Talab, Raipur, Tahsil and District Raipur (C.G.).

16) Sheikh Shafi Quereshi, S/o. Sheikh Rafi, aged about 25 years, Katora Talab, Raipur, Tahsil and District Raipur (C.G.).

17) Mohammed Niyaz Quereshi, S/o. Sheikh Baba Jani, aged about 45 years, Sarani Chauk, Lakhe Nagar, Raipur, Tahsil and District Raipur (C.G.).

18) Firoz Quereshi/ S/o. Mohammed Innuddin, aged about 35 years, R/o.Ashwani Nagar, Raipur, Tahsil and District Raipur (C.G.).

19) Sheikh Israel, S/o. Sheikh Ismael, aged about 30 years, R/o. Mahua Bazar, Raipur, Tahsil and District Raipur (C.G.).

20) Sheikh Hussein, S/o. Sheikh Chhote, aged about 38 years, R/o. Telibandha, Raipur, Tahsil and District Raipur (C.G.).

21) Deepak Kumar Pal, S/o.Bahadur Singh, aged about 22 years, R/o. Tikrapara, Raipur, Tahsil and District Raipur (C.G.).

22) Prabhakar Rao Savarkar, S/o. Chatur Ram, aged about 32, R/o. Tatibandh Road, Raipur, Tahsil and District Raipur (C.G.).

23 Amir Quereshi, S/o. Sheikh Ameen, aged about 28 years, R/o. Nehru Nagar, Raipur, Tahsil and District Raipur (C.G.).

24) Munna Pal, S/o. Pancham, aged about 36 years, R/o. Tatibandh, Raipur, Tahsil and District Raipur (C.G.).

25) Nain Singh Pal, S/o. Bihari Lal, aged about 42 years, R/o. Rajendra Nagar, Raipur, Tahsil and District Raipur (C.G.).

26) Ibrahim Quereshi, S/o. Late Ismail, aged about 25 years, R/o. Shankar Nagar, Khamardih, Raipur, Tahsil and District Raipur (C.G.).

27) Sheikh Aleem, S/o. Sheih Moinuddin, aged about 28 years, Sanjay Nagar, Raipur, Tahsil and District Raipur (C.G.).

28) Navab Quereshi, S/o. Sheikh Bashir Quereshi, aged about 35 R/o. Telibandha, Raipur, Tahsil and District Raipur (C.G.).

29) Sadiqe Hussein, S/o. Judda aged about 28 years, R/o. Gudhiyari, Raipur, Tahsil and District Raipur (C.G.).

30) Sheikh Salim Quereshi S/o. Sheikh Muneer, aged about 36 years, R/o, Lodhipara Chauk, Raipur, Tahsil and District Raipur (C.G.).

31) Mohammed Zakir Hussein, S/o. Mohammed Zuber Hussein, aged about 20 years, R/o. Modhapara, Raipur,Tahsil and Distt.Raipur.

32) Mohammed Arif Quereshi, S/o. Sheikh Ahmed, aged about 35 years, R/o. Kota, Raipur, Tahsil and District Raipur (C.G.).

33) Sheikh Hamid, S/o. Sheikh Mehboob, aged about 32 years, R/o. Bairan Bazar, Raipur, Tahsil and District Raipur (C.G.).

34) Sheikh Habib Quereshi, S/o. Sheikh Mahboob aged about 24 years, R/o. Byran Bazar, Raipur, Tahsil and District Raipur (C.G.).

35) Abid Hussein, S/o. Mohammed Judda, aged about 45 years, R/o. Pandri Bazar, Raipur, Tahsil and District Raipur (C.G.).

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36) Zuber Ahmed, S/o.Jaddu, aged about 35 years, R/o. Maudhapar, Raipur, Tahsil and District Raipur (C.G.).

37) Javed Ahmed, S/o. Jaddu, aged about 32 years, R/o. Raja Talab, Raipur, Tahsil and District Raipur (C.G.).

38) Sheikh Mannan, S/o. Usman, aged about 32 Years, R/o.Pandri Railway Line, Raipur, Tahsil and District Raipur (C.G.).

39) Sheikh Aziz, S/o. Sheikh Chhote, aged about 40 years, R/o. Gudhiyari, Raipur, Tahsil and District Raipur (C.G.).

40) Sheikh Wahid, S/o. Shekih Karim, aged about 50 years, R/o. Telibandha, Raipur, Tahsil and District Raipur (C.G.).

41) Sheikh Kabir, S/o. Usman, aged about 25 years, R/o. Pandri, Raipur, Tahsil and District Raipur (C.G.).

42) Mohammed Salim Quereshi, S/o.Munir Quereshi, aged about 35 years, R/o. Lodhipara, Raipur, Tahsil and District Raipur (C.G.).

43) Mohammed Bilal Quereshi, S/o. Mohammed Ghulam Nabi, aged about 45 years, Sarani Chauk, Raipur, Tahsil and Distt. Raipur (C.G)

44) Sheikh Baba Jani, S/o. Chhagan Quereshi, aged about 65 years, R/o. Nehru Nagar Chawk, Raipur, Tahsil and Distt.Raipur (C.G)

45) Sheikh Aslam, S/o. Sheikh Qamar Quereshi, aged about 26 years, R/o. New Shastri Market, Byran Bazar, Banstal, Raipur, Tahsil and District Raipur (C.G.).

46 Sheikh Ajju Quereshi, S/o. Sheikh Karim, aged about 35 years, R/o. Gudhiyari, Raipur, Tahsil and District Raipur (C.G.).

VERSUS

RESPONDENTS

1) Municipal Corporation, Raipur, acting through it commissioner

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2) State of Chhattisgarh
Through Secretary , Department of Urban Development, Town and Country Planning, Govt. of Chhattisgarh, D.K.S. Bhavan, Raipur (C.G.).

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT / WRITS, ORDER / ORDERS DIRECTION/DIRECTIONS ETC.

(190)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP NO. 832 सन् 2004

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

2-8-2005

Shri K. A. Ansari, Sr. Advocate with Smt. Meera Ansari, Advocate for the petitioners.

Shri B. P. Sharma, counsel for respondents No.1.

Shri Sandeep Dubey, Govt. Advocate for the State/respondent No.2.

46 petitioners who were carrying on the sale of meat & mutton and other items in the city of Raipur have preferred this writ petition questioning the legality, propriety and correctness of the notice dated 16-2-2004 issued by respondent No.1 whereby the petitioners have been asked to stop selling goat meat and other items in various parts of the city of Raipur. This petition has been filed by 46 persons, but all the notices served upon them have not been marked in chronological order, therefore, this order is being passed considering that the notice dated 16-2-2004 was issued to all the petitioners.

The case of the petitioners is that if their business is closed, then they will become jobless. It has further been mentioned that before formation of the Municipal Corporation at Raipur, which had a limited population and area under its administration, only one place near the Amardeep Talkies was notified for the purpose of selling goat meat. With the expansion of the town and abnormal growth of population, meat shops are spread to different localities and even licences were granted and shops were allotted for the purpose. But, after formation of Municipal Corporation, no other areas have been notified or earmarked nor licences have been issued by respondent No.1 for carrying on the business of goat meat. No objection has been raised by residents of the localities against

(पोलशीट)

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मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

setting up or running the shops by the petitioners or their fathers at any point of time. The municipal corporation failed to notify additional areas with the phenomenal increase in its area nor issued licences required for selling of meat. It has been prayed that notice be quashed and respondents be directed to notify the different parts of the municipal corporation for selling goat meat, mutton, fish etc. under the provisions of Section 255 of the Municipal Corporation, Act.

General return has been filed on behalf of respondent No.1 in which it has been mentioned that the petitioners are carrying on the business of goat meat and other items without any licence and not at the lincenced place in contravention of the provisions of Section 255 of the Chhattisgarh Municipal Corporation Act, 1956.

I have heard learned counsel for the parties.

Learned counsel for the petitioners submitted that in the past certain licences were granted to the petitioners for carrying on the business of goat meat & mutton and other items in different places in the city of Raipur and now the respondent corporation wants to stop the petitioners from carrying on their business and with the expansion of the city, no additional area has been notified for the purpose of carrying on the business of mutton and other items. Only Jawahar market was notified about 50 years ago and in that only 20 shops are there and those shops are insufficient and those shops are at one place whereas, the city of Raipur has been expanded in a vast area and from that area it is not possible to carry on the business. Therefore, a direction be issued to the respondent corporation to notify additional area and the petitioners may be allowed to

(पीछे देखिये)

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

apply for the licence for carrying on the business of mutton and other items and respondent corporation may be directed to consider the case of the petitioners for grant of licence.

On the other hand, Shri B. P. Sharma admitted that in the city of Raipur only one place has been notified for the purpose of carrying on the business of meat, mutton & fish and other items and no other area has been notified. He further submitted that since the petitioners are carrying on the business on different parts of the city in contravention of the provisions of Section 255 of the Chhattisgarh Municipal Corporation Act, therefore, respondent No.1 is taking action.

Having heard learned counsel for the parties and having perused the record, documents and petition, it is admitted position that the petitioners have not been able to bring on record that respondent No.1 has granted licence to them in the year 2004 to carry on the business of mutton and other items. It is also admitted position that in the past these persons were granted permission in the years 1988 & 1995 and documents of the same are filed. It is also admitted position that city of Raipur has been declared as a capital of the State of Chhattisgarh after formation of the State of Chhattisgarh on 1-11-2000 and the city has been expanded in a vast area, on the one side it is touching to the city of Bhilai and Durg and approximately the population of the city of Raipur is round about 10 lakhs, therefore, it is imperative and high time that the Municipal Corporation, Raipur, looking to the need of the citizens of Raipur, should consider for notifying additional areas for selling meat, mutton, fish and other items in order to meet the requirement of the society as also for maintaining the

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आदेश पत्रक

मामला क्रमांक ..... **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —4—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

hygienic condition of the city as per the provision of Section 255 of the Chhattisgarh Municipal Corporation Act in different parts of the city of Raipur so as to cover all the four side of the city for supply of the meat and other item, failing which the persons like the petitioners are forced to sale meat, mutton, fish and other items in residential colonies and other areas contrary to the provisions of the Act, 1956.

Now, coming to the question of grant of licence to the petitioners, the petitioners may apply for grant of licence for carrying on their business in terms of Section 255 of the Chhattisgarh Municipal Corporation Act, 1956 within a period of 15 days to the respondent No.1 who shall provide the application form for grant of the licence to the petitioners and on submission of such applications, respondent No.1 should consider their applications and decide the same in accordance with law.

The writ petition is disposed of accordingly.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

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6.8.05 18.8.05 23/1/12